

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3 GREGORY N. LEONARD,

Case No.: 2:18-cv-0853-APG-VCF

4                                   Petitioner,

**ORDER**

5 v.

[ECF Nos. 14, 15]

6 TIMOTHY FILSON, *et al.*,

7 Respondents.

8           Petitioner Gregory Leonard filed an ex parte motion seeking permission for the Federal  
9 Public Defender for the District of Arizona to represent him in exhaustion proceedings (ECF No.  
10 15) and a motion for leave to file that motion under seal (ECF No. 14). The ex parte motion  
11 includes information arguably protected by attorney-client privilege and the work product  
12 doctrine. Thus, I grant leave to file it under seal.

13           Good cause exists to permit Leonard's federally-appointed counsel to represent him in  
14 the successive state post-conviction proceeding in the Nevada courts. *See* 18 U.S.C. § 3599(e);  
15 *Harbison v. Bell*, 556 U.S. 180, 190 n.7 (2009). By granting Leonard's request, I do not purport  
16 to encourage, approve, or convey any position with respect to the merits of the proposed  
17 litigation. In addition, I reserve judgment as to whether I will stay these proceedings while  
18 Leonard pursues state court exhaustion.

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1 IT IS THEREFORE ORDERED that Leonard's motion for leave to file under seal (**ECF**  
2 **No. 14**) and ex parte motion for leave represent petitioner in exhaustion proceedings (**ECF No.**  
3 **15**) are **GRANTED**. Federally-appointed counsel is authorized to represent Leonard in state  
4 court to exhaust his unexhausted federal claims.

5 Dated: January 10, 2019.

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8 ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
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